

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Cr.B.A.No.S-206 of 2020

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For orders on MA-1819/2020
3. For hearing of main case.

07.12.2020.

Mr. Hameedullah Dahri, advocate along with applicants.  
Ms. Sobia Bhatti, A.P.G for the State.

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**Irshad Ali Shah J;-** It is alleged that the applicants dishonestly issued a cheque in favour of complainant Mst. Shabana, it was bounced when was presented before the concerned Bank for encashment, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by the learned 3<sup>rd</sup> Additional Sessions Judge, Shaheed Benazirabad have sought for the same from this Court by way of instant application under Section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant in order to satisfy her dispute with them over settlement of account towards sale/purchase of the land; the FIR of the incident has been lodged with delay of more than two months and offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. By contending so, he sought for pre-arrest bail for the applicant on point of further enquiry and malafide. In support

of his contention he has relied upon case of *Tariq Bashir and 5 others vs. The State (PLD 1995 SCMR-34)*.

4. Learned A.P.G for the State has opposed to grant of pre-arrest bail to the applicants by contending that the applicants had deprived the complainant of huge money.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about more than two months, such delay having not been explained plausibly could not be lost sight of. Apparently the parties are disputed over sale/purchase of the land. The offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. The investigation of the case is over. In these circumstances, the applicants are found entitled to grant of pre-arrest of bail on point of further enquiry and malafide.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

**JUDGE**